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# LABOR AND EMPLOYMENT BULLETIN

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## EMPLOYEE FREE CHOICE ACT: GAME ON

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Seeking the most sweeping re-write of labor law since the 1930's, 223 Congressmen and 40 Senators on March 10 introduced the Employee Free Choice Act ("EFCA") as H.R. 1409 (attached) and S. 560. Since House support is overwhelming, EFCA's fate depends on whether 60 Senators will vote to end a promised Republican filibuster.

The House version of EFCA would make three major changes. It would:

- Allow unions to avoid secret ballot elections and instead let them organize employees by means of secret union solicitations of employee signatures on union authorization cards;
- Empower government arbitrators to impose labor agreements on newly-organized employers who do not accept union proposals within the first four months of bargaining; and
- Increase the potential damages and penalties against employers who commit unfair labor practices during the organizing and bargaining period, including treble backpay damages for discharged employees, and, for "willful" or "repeated" violations, a \$20,000 civil penalty per violation.

We are watching this closely and will promptly alert you to significant developments.



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